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ANNO REGNI
CAROLI II. REGIS
Angliæ, Scotiæ, Franciæ, & Hiberniæ
Decimo Tertio.

At the Parliament holden at *Westminster* the
8th. of May, Anno Dom. 1661.

In the Thirteenth year of the Reign of our
most Gracious Sovereign Lord CHARLES, by the
Grace of God, of *England, Scotland, France, and*
Ireland, King, Defender of the Faith, &c.

An Act for the Establishing Articles and
Orders for the regulating and better go-
vernment of his Majesties Navies,
Ships of War, and Forces by Sea.



L O N D O N,
Printed for *B. Griffin*, by order of the Principal Officers
and Commissioners of His Majesties Navy, 1690

NEW YORK
CARROLL H. BROWN
Lecturer in
Political Science

1891
The
University of
the City of New York

1891
The
University of
the City of New York

1891
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the City of New York

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A N N O XIII.
CAROLI II. Regis.

An Act for the Establiſhing Articles
 and Orders for the Regulating and
 better Government of His Majesties
 Navies, Ships of War, and For-
 ces by Sea.

FOr the Regulating and better
 Government of His Majesties
 Navies, Ships of War, and
 Forces by Sea, Wherein under
 the good Providence and Protection of
 God, the Wealth, Safety, and Strength
 of this Kingdom is so much concerned.
 Be it enacted by the Kings most Excel-
 lent Majesty, With the Advice and Con-
 ſent of the Lords and Commons in this
 preſent Parliament aſſembled, and by
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the Authority thereof, That all and every the Articles and Orders in this Act mentioned, shall be duely and respectibely put in Execution, observed, and obeyed in manner hereafter mentioned.

L That all Commanders, Captains, and other Officers at Sea, shall cause the Publique Worship of Almighty **GOD**, according to the Liturgy of the Church of *England*, established by Law, to be solemnly, orderly, and reverently performed in their respective Ships: And that Prayers and Preachings by the respective Chaplains, in holy Orders, of the respective Ships, be performed diligently; and that the Lords day be observed according to Law.

II. Every person and persons in His Majesties pay, using unlawful and rash Oaths, Cursings, Execrations, Drunkenness, Uncleanneſs, or other scandalous Actions, in derogation of **GODS** honour; and corruption of good manners, shall be punished by Fine, Imprisonment, or otherwise, as the Court-Martial shall think fit.

III. If any Officer, Mariner, Souldier, or other person in the Fleet, shall give, hold, or entertain Intelligence, to or with any King, Prince, or State; being enemy to, or any persons in Rebellion against His Majesty, His Heirs and Successors, without direction or leave from the Kings Majesty, the Lord High-Admiral, Vice-Admiral, or Commander in-chief of any Squadron, every such person or persons so offending, shall be punished with death.

IV. If any Letter or Message, from any King, Foreign Prince, State,

State, or Potentate, being an enemy to the Kings Majesty, His Heirs and Successors, or on their behalf, be conveyed to any inferiour Officer, Mariner, or Soldier, or other in the Fleet, and the said Officer, Mariner, or Soldier, or other, afore said, do not within twelve months, having opportunity so to do) acquaint the Superiour Commander with it; or if a Superiour Officer, or Mariner, being acquainted therewith by an Inferiour Officer, Mariner, or other, or himself in his own person, receiving a Letter or Message from any such Enemy or Rebel, and shall not in convenient time reveal the same to the Admiral, Vice Admiral, or the Commander of the Squadron, every such person shall be punished with death, or such other punishment as the Court-Martial shall think fit.

V. No person or persons of the Fleet shall relieve an Enemy or Rebel, in time of War, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other Supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment, as the Court-Martial shall think fit to impose.

VI. All the Papers, Charter-parties, Bills of Lading, passports, and other Writings whatsoever, that shall be taken, seized, or found aboard any Ship or Ships, which shall be surpris'd or seized as Prize, shall be duly preserved, and not torn, nor made away, but the very Originals sent up intirely, and without fraud, to the Court of Admiralty, or such other Commissioners as shall be appointed for that purpose; there to be viewed, made use of, and proceeded upon according to Law, upon pain of loss of all the shares of the Takers, and such further punishment to be inflicted upon the Offenders therein, as the quality of their offence and misdemeanor shall be found to deserve, and the Court-Martial shall impose.

VII. None

VII. None in his Majesties pay shall take out of any prize, or Ship, or Goods seized on for Prize, any Mony, Plate, Goods, Lading, or Tackle, before Judgment thereof first past in the Admiralty Court; but the full and intire accompt of the whole without imbezlement, shall be brought in, and Judgment must intirely upon the whole, without fraud, upon pain of such punishment as shall be imposed by a Court-Martial, or the Court of Admiralty; excepting, That it shall be lawful for all Captains, Seamen, Souldiers, and others, serving as aforesaid, to take, and to have to themselves, as Pillage, without further or other accompt to be given for the same, all such Goods and Merchandizes (other than Arms, Ammunition, Tackle, Furniture, or Stores of such Ship) as shall be found by them, or any of them, in any Ship (they shall take in fight or prize) upon or above the Gun-deck of the said Ship, and not otherwise.

VIII. None shall imbezle, steal, or take away any Cables, Anchors, Sails, or any of the Ships Furniture, or any of the Powder, or Arms, or Ammunition of the Ship, upon pain of death, or other punishment, as the quality of the offence shall be found by a Court-Martial to deserve.

IX. If any Foreign Ship or Vessel shall be taken as prize, that shall not fight or make resistance, that in that case, none of the Captains, Masters, or Mariners, being Foreigners, shall be stripped of their Cloaths, or in any sort pillaged, beaten, or evil entreated, upon pain, That the person or persons so offending, shall forfeit double damages; but the said Foreign Ships, and all the Goods so taken, shall be preserved intire to receive Judgment in the Admiralty Court, according to right and Justice.

X. Every

X. Every Captain or Commander, who upon signal, or order of fight, or view, or sight of any Ships of the Enemy, Pirate, or Rebel, or likelihood of Engagement, shall not put all things in his ship in a fit posture for fight, and shall not in his own person, and according to his place, hearten and encourage the inferiour Officers and common men to fight courageously, and not to behave themselves faintly, shall be cashiered; And if he or they shall yield to the Enemy, Pirate or Rebels, or cry for quarter, he or they so doing shall suffer the pains of death, or such other punishment, as the offence shall deserve.

XI. Every Captain, Commander, and other Officer, Seamen, or Souldier of any Ship, Frigat, or Vessel of War, shall duly observe the Commands of the Admiral, or other his Superiour or Commander of any Squadron, as well for the Assailing or setting upon any Fleet, Squadron, or Ships of the Enemy, Pirate, or Rebels, or joyning Battel with them, or making defence against them, as all other the Commands of the Admiral, or others his Superiour Commander upon pain to suffer death or other punishment, as the quality of his neglect or offence shall deserve.

XII. Every Captain, and all other Officers, Mariners, and Souldiers of every Ship, Frigat, or Vessel of War, that shall in time of any fight or engagement, withdraw, or keep back, or not come into the fight and engage, and do his utmost, to take, fire, kill, and endamage the Enemy, Pirate, or Rebels; and assist, and relieve all and every of His Majesties Ships; shall for such offence of cowardize or disaffection be tryed and suffer pains of death, or other punishment, as the circumstance of the offence shall deserve, and the Court-Martial shall judge fit.

XIII. The

XIII. The Captains, Officers, and Seamen of all Ships appointed for Convoy and Guard of Merchants Ships, or any other, shall diligently attend upon that Charge without delay, according to their Instructions in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform the same, and defend the Ships and Goods in their Convoy without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence, if they be set upon or assailed, or running away cowardly, and submitting those in their Convoy to hazard and peril; or shall demand and exact any Mony, or other Reward from any Merchant and Master, for conveying of any such Ships or other Vessels belonging to His Majesties Subjects, shall be condemned to make reparation of the damage to the Merchants, Owners, and others, as the Court of the Admiralty shall adjudge; and also be punished criminally, according to the quality of their offences, be it by pains of death or other punishment, according as shall be judged fit by the Court-Martial.

XIV. Whatsoever person or persons, in, or belonging to the Fleet, either through cowardize, negligence, or disaffection, shall forbear to pursue the chase of any Enemy, or Pirate, or Rebel beaten, or flying, or shall not relieve or assist a known friend in view, to the utmost of his power shall be punished with death or otherwise, as a Court-Martial shall find fit.

XV. When at any time, Service or Action shall be commanded, no man shall presume to stop, or put backward, or discourage the said Service and Action, by pretence of Arrears of Wages, or upon any pretence of Wages whatsoever, upon pain of death.

XVI. All

XVI. All Sea-Captains, Officers, and Seamen, that shall betray their Trust, or turn to the Enemy, Pirate, or Rebels, and either run away with their *Ship*, or any Ordnance, Ammunition, or Provision, to the weakning of the *Service*, or yield the same up to the Enemy, Pirate, or Rebels, shall be punished with death.

XVII. All Sea-Captains, Officers, or Mariners, that shall desert the Service or their Employment in the Ships, or shall run away, or intice any others so to do, shall be punished with death.

XVIII. All persons whatsoever that shall come, or be found in the nature of Spies, to bring any seducing Letters or Messages from any Enemy or Rebel, or shall attempt or endeavour to corrupt any Captain, Officer, Mariner, or other of the Navy or Fleet, to betray his or their Trust, and yield up any Ship, or Ammunition, or turn to the Enemy or Rebel, shall be punished with death.

XIX. No person in or belonging to the Fleet, shall utter words of Sedition or Mutiny, nor make, or endeavour to make any Mutinous Assemblies upon any pretence whatsoever upon pain of death.

XX. No person in or belonging to the Fleet, shall conceal any Traiterous or Mutinous Practices, designs, or words, or any words spoken by any to the prejudice of His Majesty or Government, or any words, practices, or designs, tending to the hindrance of the *Service*, but shall forthwith reveal them to his *Superiour*, that a meet proceeding may be had thereupon, upon pain of such punishment as a Court-Martial shall find to be just.

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XXI. None

XXI. None shall presume to quarrel with his Superiour Officer, upon pain of severe punishment, nor to strike any such upon pain of death, or otherwise, as a Court-Martial shall find the matter to deserve.

XXII. If any of the Fleet find Cause or complain of the unwholsomness of his Victuals, or upon other Just ground, he shall quietly make the same known to his Superiour, or Captain, or Commander in chief, as the occasion may deserve, that such present remedy may be had as the Matter may require, and the said Superiour or Commander is to cause the same to be presently remedied accordingly; but no person upon any such or other pretence shall privately attempt or stir up any disturbance, upon pain of such severe punishment as a Court-Martial shall find meet to inflict.

XXIII. None shall quarrel or fight in the Ship, nor use provoking or reproachful Speeches tending to make any quarrel or disturbance, upon pain of imprisonment, and such other punishment as the offence shall deserve, and the Court-Martial shall impose.

XXIV. That there be no wasteful expence of any Powder, Shot, Ammunition, or other Stores in the Fleet, nor any imbezlement thereof, but that the Stores and provisions be carefully preserved upon such penalties by Fine, Imprisonment or otherwise, upon the Offenders, Abettors, Buyers, and Receivers, as shall be by a Court-Martial found just in that behalf.

XXV. That care be taken in the conducting and Steering of the Ships, that through willfulness, negligence, or other defaults, none of his Majesties Ships be stranded or run upon
any

any Rocks or Sands, or split, or hazarded, upon pain that such as shall be found guilty therein, be punished by Fine, Imprisonment, or otherwise, as the offence by a Court-Martial shall be adjudged to deserve.

XXVI. All persons that shall willing burn or set fire on any Ship, or Magazine, or Store of Powder, or Ship-Boat, Ketch, Hoy, or Vessel, or Tackle, or Furniture thereto belonging, not appertaining to the Enemy or Rebel, shall be punished with death.

XXVII. No man, in, or belonging to the Fleet, shall sleep upon his Watch, or negligently perform the duty imposed on him, or forsake his station, upon pain of death, or other punishment as the Circumstances of the Case shall require.

XXVIII. All Murthers and willful Killing of any Persons in the Ship, shall be punished with death.

XXIX. All Robbery and Theft committed by any person, in or belonging to the Fleet, shall be punished with death, or otherwise, as the Court-Martial upon consideration of the circumstances shall find meet.

XXX. No Provost-Martial belonging to the Fleet, shall refuse to receive or keep any Prisoner committed to his charge, nor suffer him to escape, being once in his custody, nor dismiss him without order, upon pain of being liable to the same punishment, which should have been inflicted upon the party dismissed, or permitted to escape, or such other punishment as the Court-Martial shall think fit.

XXXI.

All Captains, Officers, and Seamen shall do their endeavours to detect, apprehend, and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein, upon pain to be proceeded against, and punished by the Court-Martial at discretion.

XXXII.

If any person or persons, in or belonging to the Fleet, shall commit the unnatural and detestable sin of Buggery, or Sodomy, with Man or Beast, he shall be punished with death without Mercy.

XXXIII.

All other Faults, Misdemeanors, and Disorders committed at Sea, not mentioned in this Act, shall be punished by the Laws and Customs in such cases used at Sea.

XXXIV.

And it is hereby further Enacted, That the Lord High-Admiral for the time being, shall by vertue of this Act have full power and authority, to grant Commissions to Inferiour Vice-Admirals, or Commanders in chief of any Squadron of Ships, to call and assemble Court-Martials, consisting of Commanders and Captains; and no Court-Martial, where the pains of death shall be inflicted, shall consist of less than five Captains at least, the Admirals Lieutenant to be as to this purposed esteemed as a Captain; and in no cause wherein Sentence of Death shall

shall pass by vertue of the Articles aforesaid, or any of them (except in case of Mutiny) there shall be execution of such *Sentence* of Death without the leave of the Lord High-Admiral; if the offence aforesaid be committed in any Voyage beyond the Narrow Seas, whereupon *Sentence* of Death shall be given in pursuance of the aforesaid Articles, or of any of them, then Execution shall not be done but by Order of the Commander in chief of that Fleet or Squadron wherein *Sentence* of Death was passed.

XXXV.

And be it further Enacted and Declared, That the Judge-Advocate of any Fleet, for the time being, shall have full power and authority to administer an Oath to any person or witness in order to the Examination or Tryal of any of the offences aforesaid; and in the absence of a Judge-Advocate, the Court-Martial shall have full power and authority to appoint any person to administer an Oath to the purposes aforesaid.

PROvided also, and it be further Enacted by the Authority aforesaid, That this Act or any thing or things therein contained, shall not in any manner of wise extend to give unto the Lord Admiral of *ENGLAND*, for the time being, or to any his Vice-Admirals, Judge or Judges of the Admiralty, his or their Deputy or Deputies, or to any other the Officers or Ministers of the Admiralty, or to any others having or claiming any Admiral Power, Jurisdiction, or Authority within this Realm and *WALE S*, nor any other the Kings Dominions, any other Power, Right, Jurisdiction, Preheminence,
or

or authority, than he or they, or any of them, lawfully have, hath, or had, or ought to have, and enjoy before the making of this Act, other than for such of the offences specified in the several *Articles* contained in this Act, as hereafter shall be done upon the main Sea, or in Ships or Vessels being and hovering in the main Stream of great Rivers, only beneath the Bridges of the same Rivers, nigh to the Sea within the Jurisdiction of the Admiralty, and in none other places whatsoever? and committed only by such persons as shall be in actual Service and pay in His Majesties Fleet, or Ships of War.

F I N I S.
